



United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

November 15, 2023

BY ECF

The Honorable Alvin K. Hellerstein
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

*The govt may re-submit this
application with defendants'
opposition, if any, included in
our letter. See Individ. R. 2 E.
11-16-23*

Re: United States v. Charlie Javice and Olivier Amar, 23 Cr. 251 (AKH)

Dear Judge Hellerstein:

The Government writes to respectfully request an extension of the deadline in the Court's order dated November 7, 2023 for the production of additional materials from J.P. Morgan Chase ("JPMC"). The current deadline for the production of those materials is November 17, 2023. (Dkt. No. 61 at 3). For the reasons explained below, the Government requests that the deadline be extended until December 8, 2023. The defendants oppose this request.

Pursuant to the Court's directives at the November 2, 2023 conference and the Court's November 7, 2023 order, the Government has identified the following JPMC officers or employees referenced in the Complaint, (Dkt. No. 61 at 2):

- "Executive-1,"¹ *see* Complaint ¶ 19(a);
- "JPMC employee," *see id.* ¶ 19(e);
- "JPMC employee," *see id.* ¶ 19(f);
- "JPMC employee," *see id.* ¶ 19(g);
- "Executive-2," *see id.* ¶ 19(h);
- "JPMC employee,"² *see id.* ¶ 21(e);
- "Engineer-1," *see id.* ¶ 22;
- "[T]wo other JPMC employees," *see id.* ¶ 24(e);
- "Marketing Executive," *see id.* ¶ 23(a);
- "Engineer-2," *see id.* ¶ 32(a)(iv).

Out of the above group of JPMC employees, the only individuals who are not already within the scope of JPMC's review (*i.e.*, a custodian) consist of four employees: the JPMC

¹ In order to protect the privacy of the individuals referenced in the Complaint, the Government will continue to anonymize their identities here.

² The JPMC employees referenced in paragraphs 19(e), (f), (g) and 21(e) are different people.


employees referenced in paragraphs 19(e) and 19(g), one of the two JPMC employees referenced in paragraph 24(e), and the “Marketing Executive.”

JPMC has informed the Government that the individuals referenced in paragraphs 19(e) and 19(g) departed JPMC before the litigation hold related to this matter was put in place and that their email inboxes were deleted in the ordinary course of business.³

JPMC has begun reviewing materials from the remaining two individuals but, given the number of documents to review—approximately 10,000—and the accompanying privilege review, JPMC does not expect to be able to produce those materials to the Government before December 8, 2023. The Government therefore respectfully requests that the deadline for production of additional materials be extended until December 8, 2023.⁴

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By: 
Dina McLeod
Micah F. Fergenson
Assistant United States Attorneys
(212) 637-1040 / -2190

cc: Counsel of record (by ECF)

³ Of course, this does not mean that no communications with those individuals exist. Any communications involving these two individuals—obtained by JPMC from the mailboxes of other JPMC custodians—that are in the Government’s possession have been produced to the defendants.

⁴ At the conference on November 2, 2023, the Court also directed the verification that the entirety of the email chains referenced in paragraph 32 of the Complaint (and any documents referenced therein) had been produced. (Transcript of November 2, 2023 Conference at 20-24). JPMC has informed the Government that any additional materials in response to that direction will be produced to the Government by November 17, 2023, and the Government is therefore not seeking an extension as to that production.